

**VILLAGE OF WESTFIELD
LOCAL LAW NO. 1 FOR THE YEAR 2008**

A LOCAL LAW TO AMEND ZONING REGULATIONS IN THE BUSINESS (B-1) DISTRICT AND CREATE A NEW GATEWAY BUSINESS (B-1A) DISTRICT

Be it enacted by the Board of Trustees of the Village of Westfield, County of Chautauqua and State of New York, as follows:

SECTION 1. NEW DEFINITIONS.

The following terms are hereby inserted into Section 155-6 of the Village of Westfield Zoning Code in the appropriate alphabetical position, and shall have the meanings indicated:

COUNTRY INN – A building or group of buildings offering overnight accommodations to transients and the service of meals, in which the service of alcoholic beverages, if any, is incidental to providing sleeping accommodations and the service of meals.

CUSTOM WORKSHOP – A manufactory for for the production or finishing of custom or hand-made commodities in small quantities, using techniques which do not involve mass-production.

REPAIR SHOP – An establishment primarily providing household appliance repair, furniture repair, office machine repair, bicycle repair and similar services within a fully enclosed building. This does not include the maintenance and repair of lawnmowers, snowmobiles, motor vehicles, motorcycles, boats and similar items.

SHOPPING CENTER –

A. NEIGHBORHOOD CONVENIENCE CENTER - A group of commercial establishments planned, constructed and managed as a total entity with customer and employee and employee parking provided on-site. A neighborhood convenience center generally sells goods necessary to meet daily needs and has up to 50,000 square feet of commercial floor space.

B. COMMUNITY SHOPPING CENTER – A group of commercial establishments planned, constructed and managed as a total entity with customer and employee and employee parking provided on-site. Such centers typically range in size from 50,000 to 450,000 square feet.

SECTION 2. AMENDMENT OF SECTION 155-107.

Section 155-7 of the Village of Westfield Zoning Code is hereby amended to insert the following between “Retail Business” and “Highway Business”

Gateway Business B-1A

SECTION 3. AMENDMENT OF SECTION 155-105

Section 155-105(A) of the Village of Westfield Zoning Code is hereby amended to add a new subsection (6), which shall read as follows:

- (6) In any district for which design guidelines have been adopted, an explanation of the measures taken to comply with such guidelines.

SECTION 4. RETAIL BUSINESS (B-1) DISTRICT REGULATIONS.

§ 155-16. Business (B-1) District.

A. Purpose. The purpose of the Retail Business (B-1) District and any Design Standards applicable therein is to protect and enhance the existing commercial core of the Village and enable it to better meet the needs of residents and visitors by ensuring that the development and redevelopment of land within the district is appropriate and compatible with the development of surrounding land and historical nature of the district, by preserving a typical “Main Street” aesthetic, and by promoting a pedestrian-oriented commercial area. It is not intended to prohibit development that is otherwise permitted under the applicable zoning regulations; rather, it is intended to improve the function, design, aesthetics and safety of that development and to provide a context for diverse yet harmonious architectural and landscape design.

B. Design Standards Application & Procedure.

(1) Application. The following actions in the B-1 District shall be subject to and comply with the Village of Westfield’s “B-1 District Design Guidelines”:

- (a) Any action that requires a building permit and involves changes to the front, rear, or, where visible, the side facade of a building;
- (b) Any action that involves the alteration of a parking lot, and
- (c) Any action that requires site plan review under Section 155-103.

(2) Procedure.

- (a) Where the action requires a special use permit or is subject to site plan review under Article XII, the Planning Board shall make a finding as to compliance with the applicable design guidelines during the special use permit or site plan review process, as the case may be.
- (b) Where the action requires a building permit, or for any other application subject to the design guidelines, the Village Board or Code Enforcement Officer, as the case may be, shall refer the application to the Planning Board pursuant to Section 155-98, and a final decision on the application shall not be rendered until the Planning

Board has made a finding that the proposed action complies with the applicable design guidelines.

C. Uses by right for which a permit is required are as follows:

Antique shop
Bakery, retail
Banks
Barbershop/beauty shop
Catalog store
Corner grocery store
Department/variety store
Drugstore/pharmacy
Florist shop
Food supermarket
Furniture/appliance store
Gift/novelty shop
Hardware/glass/paint store
Health club
Household sale, in accordance with § 155-44
Laundry/dry cleaning/laundromat
Liquor store
Locksmith shop
Municipal office
Open porch/patio
Photography studio
Professional/business office
Public park
Retail Business, General
Realty office
Restaurant
Sign, in accordance with § 155-53
Solar system, private, in accordance with § 155-57A
Tower, not freestanding and noncommercial, (50 feet or less) in accordance with § 155-55
Upholstery shop

D. Uses by special use permit for which a hearing is required are as follows:

Accessory apartment
Bar
Carnival/circus (temporary)
Condominium
Custom workshop
Demolition of structures
Electronic game room
Fence/wall in accordance with § 155-54, but without regard to size
Garage, accessory
Home occupation, general, in accordance with § 155-41

Hotel/Inn/Country Inn
Library/museum/gallery
Load/unload facility, commercial, in accordance with § 155-52
Mixed apartment/business in accordance with § 155-38
Nursery for children
Parking lot, commercial, in accordance with § 155-51
Pet store
Plumbing/heating shop
Residential conversion
Rental store
Repair shop
Roadside stand, general, in accordance with § 155-45
School
Shopping center/mall
Solar system, private, in accordance with § 155-57B
Storage structure, accessory, in accordance with § 155-50
Theater
Tower, noncommercial, (above 50 feet) in accordance with § 155-55

E. Uses for which a permit is not required are as follows:

Horticulture, private
Parking, private, in accordance with § 155-51
Trash, on private property, in accordance with § 155-62
Utilities

F. Building Permits. Applicants are cautioned to be aware that the New York State Uniform Fire Prevention and Building Code may contain additional requirements for their proposed use or development, and that zoning approval does not necessarily confer approval under the building code. Applicants are strongly encouraged to confer with the Code Enforcement Officer about their project in advance and to plan to comply with both the zoning and building codes.

G. Area Standards. Area standards shall be in accordance with the following table:

- (1) Minimum lot size: 2,000 square feet.
- (2) Minimum street frontage: 20 feet.
- (3) Maximum lot coverage: 100%
- (4) Setback regulations:
 - (a) Front. None required, but new buildings or alterations to existing structures in this district shall conform within a 10% range to the average front setback for buildings within 40 feet on either side of the subject site, in order to maintain a strong sense of streetscape.

- (b) Rear. None required, but if a yard is required it shall be not less than 10 feet wide.
- (c) Side. If the yard abuts a residential district, 20 feet. For all others none is required, but if one is provided it shall be not less than 10 feet wide.
- (5) Buildings shall be a maximum of 3 stories above grade with a maximum height of 40 feet.
- (6) Parking. No off-street parking space shall be required for any use on a lot that has an area of 10,000 square feet or less, provided that such lot is within 300 feet of a municipally operated off-street parking facility that has adequate capacity for the parking of passenger vehicles required for the proposed use.

SECTION 5. GATEWAY BUSINESS (B-1A) DISTRICT REGULATIONS.

§ 155-16.1. Gateway Business (B-1A) Zoning District

A. Purpose. The purpose of the Gateway Business (B-1A) District and the Design Guidelines applicable therein is to allow a range of commercial businesses that are appropriate for a pedestrian-oriented downtown, by providing a transition and buffer area between the main commercial core and the residential areas, consistent with the present land use pattern of the district. The goal is to preserve and wisely develop the transitional areas leading into Westfield's main downtown area while simultaneously maintaining and buffering the adjacent residential zones.

B. Design Standards Application & Procedure.

(1) Application. The following actions in the B-1A District shall be subject to and comply with the Village of Westfield's "B-1A District Design Guidelines":

(a) Any action that requires a building permit and involves changes to the front, rear, or, where visible, the side facade of a building;

(b) Any action that involves the alteration of a parking lot, and

(c) Any action that requires site plan review under Section 155-103.

(2) Procedure.

(a) Where the action requires a special use permit or is subject to site plan review under Article XII, the Planning Board shall make a finding as to compliance with the applicable design guidelines during the special use permit or site plan review process, as the case may be.

(b) Where the action requires a building permit, or for any other application subject to the design guidelines, the Village Board or Code Enforcement Officer, as the case may be, shall refer the application to the Planning Board pursuant to Section 155-

98, and a final decision on the application shall not be rendered until the Planning Board has made a finding that the proposed action complies with the applicable design guidelines.

C. Building Code. Applicants are cautioned to be aware that the New York State Uniform Fire Prevention and Building Code may contain additional requirements for their proposed use or development, and that zoning approval does not necessarily confer approval under the building code. Applicants are strongly encouraged to confer with the Code Enforcement Officer about their project in advance and to plan to comply with both the zoning and building codes.

D. Uses by right for which a permit is required are as follows:

- Antique shop
- Bakery, retail
- Banks in accordance with §155-46 if drive thru
- Barbershops/beauty shops
- Catalog stores
- Corner grocery store
- Demolition of structures
- Department/variety stores
- Drugstores/pharmacies
- Fence/wall, in accordance with § 155-54
- Florist shops
- Food supermarket
- Furniture/appliance store
- Gift/novelty shop
- Hardware/glass/paint store
- Health club
- Household sale, in accordance with § 155-44
- Laundry/dry cleaning/Laundromat
- Liquor store
- Locksmith shop
- Photography studio
- Professional/business offices
- Realty offices
- Restaurant
- Retail Business General
- Sign, in accordance with § 155-53
- Solar system, private, in accordance with § 155-57A
- Tower, not freestanding, noncommercial, (50 feet or less) in accordance with § 155-55
- Upholstery shop

E. Uses by special use permit for which a hearing is required are as follows:

- Accessory apartment
- Bars
- Bed-and-breakfast establishment in accordance with § 155-74

Car wash
Commercial recreation (e.g bowling alley, archery pro shop, golf pro shop)
Condominium
Custom workshop
Drive-in thru business (food, etc.) in accordance with § 155-46
Electronic game room
Fences/walls in accordance with § 155-54
Fraternal meeting facilities
Garage, accessory
Convenience store with gas station (routine service) in accordance with § 155-48
Home occupations, general, in accordance with § 155-41
Hotel/Inn/Country Inn
Public and/or not-for-profit library/museum/gallery
Load/unload facility, commercial, in accordance with § 155-52
Mixed apartment/business in accordance with § 155-38
Nursery and/or pre-school for children
Open porch/patio
Pet store
Parking lot, commercial, in accordance with § 155-51
Rental store
Repair shop
Shopping center
Solar system, private, in accordance with § 155-57B
Storage structure, accessory, in accordance with § 155-50
Swimming Pool
Theater
Tower, not freestanding, noncommercial, (above 50 feet) in accordance with § 155-55

F. Uses for which a permit is not required are as follows:

Horticulture, private
Outdoor storage of a recreational vehicle in accordance with §155-68
Parking, private, in accordance with § 155-51
Trash, only in dumpsters or other similar storage devices on private property, in accordance with § 155-62
Utilities

G. Area standards.

- (1) Minimum lot size. The minimum lot size shall be determined by adding 20% to the land area needed for the structure, on-lot parking, ingress/egress, and any on-site infrastructure that is required. The additional 20% shall constitute setbacks and landscaped buffers. In no case shall any lot be less than 8,000 square feet in size.
- (2) Minimum street frontage. The minimum street frontage is 60 feet.

- (3) Maximum lot coverage. The maximum lot coverage allowed for the structure, on-lot parking, ingress/egress, and any on-site infrastructure that is required is 80% of the lot size.
- (4) Setback regulations.
 - (a) Front. New buildings or alterations to existing structures in this district shall conform to a range of minimum/maximum front setbacks in order to maintain a strong sense of streetscape.
 - [1] Minimum. The minimum front setback shall be 4 feet.
 - [2] Maximum. The maximum front setback shall be 40 feet.
 - (b) Rear. The minimum rear setback shall be 20 feet of buffering (greenspace, trees etc.)
 - (c) Side. The minimum side setback shall be 8 feet. Minimum side setbacks may be reduced to five feet in areas adjacent to on-lot parking or ingress/egress areas when other snow storage areas have been provided.
- (5) Buildings shall be a maximum of 2 stories above grade, with a maximum height of 40 feet.

H. Building site and design.

- (1) New buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character and materials and respect the traditional character of the Village.
- (2) Site design should enhance the rhythm, fabric, and form of the streetscape and landscape for pedestrians and motorists alike.
- (3) Buildings are encouraged to be designed to have pitched roofs with overhanging eaves.
- (4) Exterior wall materials and facing may include wood clapboard (including vinyl and aluminum imitation clapboard siding), or brick (brick color and design must generally conform to the "historic nature" of the district) and shall be subject to site plan review. Specifically prohibited shall be split-face aggregate block, T-111 plywood, concrete block, and metal siding.
- (5) Buildings shall complement landscape design to effectively screen parking wherever possible.
- (6) All off-street parking is encouraged to be behind or beside buildings and shall be screened from public streets or ways. All off-street parking in this district shall conform to the guidelines in § 155-19.1(G).

I. Parking lot design.

- (1) Parking lots shall be screened from the road and adjoining residential uses as feasible. A mix of plantings shall be used, to provide an appropriate mix of summer shade and year round screening.
- (2) Any off-street parking space or parking lot that abuts a street right-of-way shall be buffered by a landscaped area to include a mix of low lying shrubs and shade trees.
- (3) Vehicular access to parking areas shall be provided from the rear and or sides whenever possible. In cases where vehicular access to a parking area must occur from the front of the lot the following shall apply:
 - (a) Driveways serving such parking areas shall be in conformance with Chapter 132, Streets & Sidewalks of the Village of Westfield Code and/or upon the written approval of the Village Public Works Superintendent
 - (b) The location of any entrance or exit of a driveway, access lane or parking area where it enters the public right-of-way shall be subject to approval by the Village Superintendent of Highways or the New York State Department of Transportation, and a permit for the same shall be obtained prior to construction when required.
 - (c) All access points or aprons shall be paved for vehicular and pedestrian safety, drainage and ease of access.
 - (d) Driveways shall be at least 50 feet from the curbline of an intersecting street, unless physically impossible and approved by the appropriate highway agency.
- (4) Exterior pedestrian access aisles shall be provided from parking areas to the front of the main structure. Such aisles shall be a minimum of five feet in width unless a public walkway is provided.
- (5) Lighting of parking areas shall be in accordance with page 10, Section 8, Outdoor Lighting of the Village of Westfield B1-A District Design Guidelines
- (6) Number of off-street parking spaces.

| Use | Requirement¹ |
|----------------------------------|--------------------------------------------------|
| Professional office | One per 400 square feet of commercial floor area |
| Professional & personal services | One per 400 square feet of commercial floor area |
| Retail | One per 400 square feet of commercial floor area |
| Others | Subject to site plan review |

NOTES:

¹ Or fraction thereof.

J. Signage. See § 155-53, Signs.

K. Landscaping. All applicants shall refer to the B1-A District Design Guidelines to address landscaping requirements for plans in this zoning district.

L. Additional standards.

- (1) The conversion of an existing building or structure to another use shall be permitted only if off-street parking can be provided to meet the requirements of § 155-51 and of Subsection I of this section.
- (2) The enlargement of an existing building or structure shall be permitted if it meets all the requirements of this section including the B1-A District Design Guidelines.

SECTION 6. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 7. EFFECTIVE DATE.

This Local Law shall take effect immediately once filed in the Office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.